

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

CONNECTICUT BANK OF  
COMMERCE

Plaintiff,

v.

THE REPUBLIC OF CONGO,

Defendant.

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Civil Action No. 05-762 (SLR)

**ORDER**

Upon consideration of Af-Cap, Inc.'s Motion for Summary Judgment Against Garnishee CMS Nomeco Congo, Inc. (now CMS Nomeco Congo LLC) (the "Motion"), IT IS HEREBY ORDERED:

- (i) that the Motion is GRANTED;
- (ii) garnishee, CMS Nomeco LLC ("CMS") failed to file timely its Answer to Af-Cap's writ of garnishment and also failed to file a verified answer;
- (iii) Additionally, even if CMS had filed a timely, verified answer it would have shown that it is a Delaware-registered entity that holds an asset belonging to the Congo, which is, therefore, subject to garnishment in Delaware, but that it has not tendered to Af-Cap; and
- (iv) Accordingly, summary judgment shall be entered against CMS in the amount of \$13,628,340.11 (which constitutes the full amount of Af-Cap's judgment) plus interest and costs through today.

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United States District Judge